

**TOWN OF ELSMERE
PLANNING COMMISSION
MEETING MINUTES
May 3, 2011
6:30 P.M.**

PLEDGE OF ALLEGIANCE:

CALL TO ORDER:

ROLL CALL:

Commissioner Lindell – Present
Commissioner Sheldon – Absent
Commissioner Anderson – Present
Commissioner Swain – Present
Commissioner Acton – Absent
Commissioner Russo - Present
Chairman Backer – Present

PUBLIC COMMENT:

None

APPROVAL OF MINUTES:

None

NEW BUSINESS:

Review of Petition #11-4 Tax Parcel 1900-200-283

Dave Stella introduced himself as the owner of the property at 307-A South Gray Ave.

Chairman Backer asked what the purpose of the petition is.

Mr. Stella stated that they are requesting a variance pertaining to lot coverage in order to build a Single Family Home.

Chairman Backer asked if the petition were not approved, what kind of hardship would it create for Mr. Stella.

Mr. Stella stated that they had already purchased the property in hopes of building a house on it to sell. He said other than monetary, there are no other hardships.

Mr. Backer asked if Mr. Stella had spoken with anyone from the town, such as the Code Dept., about the possibilities of the property prior to purchasing it.

Mr. Stella said they had spoken some with the Code Dept. about some things. He went on to say that they had received some false information from the previous owners. He stated he also purchased the adjacent property. (307 & 307A S. Gray)

Mr. Backer asked if Stella lives in either of the properties.

Stella said he does not.

Chairman Backer asked what the purpose of the existing property.

Stella stated they are going to fix it up and sell it.

Mr. Backer asked what the purpose of the proposed house will be.

Mr. Stella stated they plan to sell it as well. He said it will not be a rental unit.

Commissioner Russo asked if the proposed plan meets all the required setbacks and so forth.

Stella stated it does.

Chairman Backer checked with the Code Office to confirm that the proposed plan meets setback requirements.

Code Officer Brian Swift said they do meet the requirements.

Commissioner Russo asked if there were any residents in attendance that were for or against the petition.

Kathy Nichols introduced herself as a resident in 310 S. Gray Ave. and asked if Mr. Stella was going to live in either one of the properties.

Stella said he would not be.

Mrs. Nichols stated a concern that the construction could cause drainage problems for her home.

Mr. Stella assured Mrs. Nichols that DelDot would make them comply with certain standards that would solve any drainage issues.

Walter Nichols then introduced himself as a resident in 304 S. Gray Ave. He went on to ask Mr. Swift if Mr. Stella wanted to turn the property into a rental, could he do so.

Mr. Swift stated he could do so.

Mr. Nichols stated that he was against that happening.

Stella stated that they don't do rental properties, but could not say that any future owners would not rent it out.

Commissioner Swain asked what the asking price for the house is.

Mr. Stella stated the price would be around \$240,000.

Commission Swain stated the reason he was asking was to see if it would be a good investment to rent it out.

Maryann Foreman introduced herself as a resident in 309 S. Gray Ave. She voiced her concern about the house being connected to the sewer system. She stated she was not able to have her home connected to it because it was filled up.

Code Officer Swift informed her that in order to build on that lot, Mr. Stella would need approval from the New Castle County Special Services.

Mr. Stella stated that they have been working with New Castle County and DelDot to find a solution and have come up with about 3 different options at the moment.

Commissioner Lindell asked if there are any problems with negative in-fill.

Officer Swift said there are none.

ACTION: Commissioner Swain made a motion to recommend approval of Petition 11-4 for the construction of a Single Family Home at 307A S. Gray Ave. The motion was seconded by Commissioner Russo.

VOTE: All in favor 5-0 with 2 Absent Motion Carried

Review of Petition #11-5 Tax Parcel 1900-500-021

Chip Armbruster introduced himself as being from the law offices of Tomasetti, and being there on behalf of Joe Marvian, Sr.

Mr. Armbruster stated the purpose of the petition is to changed the zoning of the property from R1 to CC, and hopefully find a buyer to utilize the space for a business that would fit into the town. He stated they believe it would provide positive growth in that area. He said it fits into the general purpose of the Comprehensive Plan, and because the property

is so close to the dividing line of the R1 and CC Zones, they do not believe it to be spot zoning. He went on to say that they believe the petition, if accepted, would create a “mirror image” of the other side of the intersection. He stated they do not believe it would create problems with traffic flow in the area.

Chairman Backer asked if there is an anticipated use for it.

Joe Marvian, Jr. stated that there is none, but feels it would help the growth of the area if the petition were approved.

Chairman Backer stated that, in the future, there would have to be issues of the parking area, traffic studies, and other such things.

Commissioner Lindell said there’s a non-conforming issue whether or not the zoning is changed.

Mr. Armbruster stated that the home is now vacant due to the previous tenant’s age. (Joe Marvian, Sr.) He went on to say that changing the zoning to CC would facilitate the issue of finding a buyer for the property.

Commissioner Swain asked if they have tried to sell the property as it is.

Mr. Marvian, Jr. stated that Real Estate Agents foresee the property being bought by an investor and used as a rental unit.

Commissioner Swain argued that the approval of the petition is, in fact, the exact opposite of what the Comprehensive Plan is trying to establish.

Mr. Armbruster said he was going off of the “mirror image” aspect in what was available to him of the Town’s Comprehensive Plan.

Commissioner Russo stated that Mr. Armbruster’s “mirror image” proposal means there will be another convenience store on that corner, not a doctor’s or lawyer’s office as Mr. Armbruster had previously stated.

Mr. Armbruster stated that he was speaking in terms of the zoning and not the actual development of the land, which the Planning Commission and Board of Adjustment have some control over as well.

Commissioner Swain stated there is no room at that corner for a parking lot with traffic coming and going.

Mr. Armbruster argued that if it were used as a lawyer’s office, it would not need much parking space and would not affect the traffic much on that corner.

Chairman Backer reiterated what Commissioner Swain had said about the parking on that corner being a problem.

Councilman Jaremchuk stated that the petition does not go to the Board of Adjustment, and should be forwarded directly to Council from the Planning Commission.

Chairman Backer asked the Code Office to speak with Town Manager Giles about the issue.

Officer Swift agreed to do so.

Rob Enderez introduced himself as a resident at 400 Junction St. Mr. Enderez voiced his concern about what may come of 401 New Rd. if it were rezoned to CC. He said he does not want a business to be there with bright, neon lights shining into the windows of his home. His wife, Janelle, stated the same.

Ms. Patty Boyd introduced herself as a resident at 600 New Rd. She stated she is against the proposed rezoning as well. She said she feels the parking and traffic would be a problem in that area.

John DeFrancesca introduced himself as a resident at 409 New Rd. He stated that Angerstein's and Erco are in a GI Zone, not a CC Zone. He said he feels that approving the petition would be "spot zoning" due to the fact that there would be a blocks gap in between the CC Zones.

ACTION: A motion was made by Commissioner Swain recommending Denial of Petition 11-5 and to forward the matter to the Town Council. The motion was seconded by Commissioner Russo.

VOTE: All in favor 5-0 with 2 Absent Motion Carried

OLD BUSINESS:

Review of the Comprehensive Plan

Commissioner Lindell stated that the suggestions that were to be forwarded to him were not, and therefore, no further business dealing with the Comprehensive Plan would be discussed at that time.

ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:

None

PUBLIC COMMENT:

None

ADJOURNMENT:

ACTION: A motion was made by Commissioner Swain to adjourn the meeting. The motion was seconded by Commissioner Lindell.

VOTE: All in favor 5-0 with 2 Absent Motion Carried

At this time the meeting was adjourned.

These minutes summarize the agenda items and other issues discussed at the May 3, 2011 Planning Commission Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tape(s) may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

CHARLES LINDELL, CHAIRMAN

LEON BACKER, SECRETARY